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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,287	08/19/1999	JOHN G. WOODS	LC-302/PCT/U	4956

7590 11/06/2003

Loctite Corporation  
Legal Department  
1001 Trout Brook Crossing  
Rocky Hill, CT 06067

EXAMINER
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WILSON, DONALD R

ART UNIT	PAPER NUMBER
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1713

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

db29

<b>Advisory Action</b>	Application No. 09/341,287	Applicant(s) WOODS ET AL.	
	Examiner Donald R Wilson	Art Unit 1713	

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED 01 March 1017 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 21-28,31,34-37 and 43.

Claim(s) withdrawn from consideration: 29,30,32,33 and 38-42.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Donald R Wilson  
Primary Examiner  
Art Unit: 1713

**ADDITIONAL COMMENTS**

***Response to Proposed Amendment After Final***

1. Applicant's proposed amendment filed 10/27/03, after final rejection, has been fully considered with the following results.
2. The proposed amendment will not be entered because it includes a limitation to Claim 23 not previously considered.
3. Applicant's arguments traversing the rejections of claims over the prior art are not deemed to be persuasive for reasons of record.
4. The Examiner acknowledges that Claim 44 is not a pending claim as was correctly indicated on the Office Action Summary Sheet. The Examiner regrets any inconvenience to applicant for the obvious error of including it in the stated rejections.
5. Applicant has taken issue with the Examiner's statement in the previous Office Action that *"--- if the molecular weights of Examples 1 and 2 as measured in Example 10 are in fact number average molecular weights and the molecular weight of the commercial CTBN is in error as alleged by applicant, then based upon the carboxyl numbers of the starting material and the hydroxyl numbers for the hydroxylated product, it follows that the CTBN and HTBN polymers can not have a functionality of two, i.e., on average the CTBN and HTBN polymers would need to be approximately monofunctional. Otherwise it would seem that applicant must also conclude that that both the carboxyl and hydroxyl numbers are also wrong."*
6. Specifically applicant states they do not allege that the molecular weight of the commercial CTBN is in error", and that the Examiner has distorted what they have said. This is not deemed to be persuasive because applicant has stated that "---the starting materials provided by the manufacture, have molecular weights of 3800 and are measured by the old and generally not very reliable method of Vapor Phase Osmometry (VPO)". Applicant goes on to state that "[i]n contrast, the molecular weights of the HTBN's of Examples 10 and 11, which are products of the hydroxylation process according to the present invention, were measured by a more modern and the more reliable method of Size Exclusion Chromatography, using a polystyrene standard to calibrate the system". Since, (i) the hydroxyalkylation

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is argued to occur without substantially changing the molecular weight of the CTBN, (ii) the method used by the manufacturer (VPO) is alleged by applicant to be not very reliable, (iii) the chromatography method used by applicant is alleged to be more reliable, and (iv) the number average molecular weights of the CTBN provided by the manufacturer and of the HTBN product measured by applicant differ by over a factor of 2, it appears reasonable to conclude that applicant is alleging that the number average molecular provided by the manufacturer is in error. Stating that they are merely different methods of measurement producing different results does not explain the difference. Both methods could be wrong, but clearly both methods are not correct. In regards to applicants allegation that the logic is faulty in the Examiner's conclusion that the CTBN cannot have a functionality of two and would need to be approximately monofunctional if the commercial CTBN has the molecular weight as measured by applicant, applicant is correct. Functionality is defined as the number average molecular weight divided by the equivalent weight. As the equivalent weight is approximately 2,000 ( $M_n$  divided by functionality) the functionality would not be two (as was correctly stated by the Examiner) but more than twice that number. The equivalent weight of about 2,000 is also supported by the Okamoto reference supplied by applicant (Table 1). It is not seen that the Examiner need provide any detailed calculations to applicant, who should be able to calculate these numbers themselves. However, applicant is referred to Detailed Action § 6 of Paper No. 24, which provides considerable detail on the inconsistency of the interrelationships of the acid and/or hydroxyl numbers and the molecular weights. Presumably the acid and hydroxyl numbers do not suffer the unreliability alleged by applicant in the  $M_n$  determinations.

#### ***Future Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald R Wilson whose telephone number is 703-308-2398 (571-272-1113).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 703-308-2450 (571-272-1114). The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 703-872-9029 (571-273-1113).

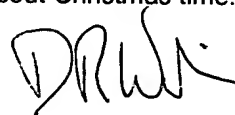
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-2351.

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The Examiner is expected to move to the new Office about Christmas time. New telephone numbers known to the Examiner are indicated in parentheses.



Donald R Wilson  
Primary Examiner  
Art Unit 1713